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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/319,626	06/09/1999	ELISABETH CROCHON	31767	3379

7590

04/10/2002

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

# Office Action Summary

Application No.

09/319,626

Applicant(s)

CROCHON ET AL.

Examiner

Vernal U Brown

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1. 6) ☐ Other:

### **DETAILED ACTION**

The application of Elisabeth for Method and Device for Remote Identification filed 6/9/99 has been examined. Claims 1-7 are pending.

#### ***Specification***

The disclosure is objected to because of the following informalities: A description of figure 1, 2, 3 and 4 was not provided.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 and 7 are rejected under 35 U.S.C. 112 second paragraph.

Regarding claim 4 and 7, the phrases "codes are read either in one direction or the other" and "one direction and the other signal demanding reading in an opposite direction" respectively does not provide a description as to how the codes are to be read.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Dingwall et al International Patent Publication WO 93/23767.

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Regarding claim 1, Dingwall et al teaches a method for the remote identification of articles (labels) provided with distinctive code (page 5 lines 28-29) and situated in a field of an interrogation apparatus (page 2 lines 26-27), by sending and receiving signals between the interrogator and the label (page 6 line 4). The label is inhibited after the successful reading of its code (page 6 lines 16-18).

Regarding claim 4, Dingwall teaches that the codes words are stored in binary form in the labels and are read by the interrogator (page 6 lines 8-9). The step of reading the code word from the label inherently involves the reading of the code word in one direction.

Regarding claim 5, Dingwall et al teaches a step of prior identification adapted to a single label context by issuing a reset command then a modulate command to determine if there is at least one unidentified label in the area (page 23 lines 21-23).

Regarding claim 5, Dingwall et al teaches remote identification of label by interrogation apparatus (12) comprising logic (54) means for processing information, distinctive codes stored in memory position in the label (page 6 lines 5-6) and catalog of signals shown in Table 1 (page 15). The interrogator and label both receive and transmit signals therefore they inherently comprise of transceiver. Dingwall further teaches that the code words are stored in binary form and is transmitted to the interrogator by microwave communication (page 10 line 25) this inherently includes the step of converting analog signal to digital and digital to analog.

Regarding claim 6, Dingwall et al teaches that during the identification search sequence all the badges (label) are permitted to send their code separately or together during a catalogue command (page 30 lines 17-20).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al International Patent Publication WO 93/23767 in view of Marsh et al European Patent Publication 0494114.

Regarding claim 2, Dingwall is silent on teaching an identification stoppage signal containing all or part of the code of the label. Marsh et al in an art related invention teaches an identification stoppage signal by the interrogator to interrupt transmission of the response signal by the label (transponder) (col. 1 lines 45-54).

It would have been obvious to one of ordinary skill in the art to use an identification stoppage signal in Dingwall invention as evidenced by Marsh et al because Dingwall teaches powering down the label to stop the identification process and Marsh teaches issuing a signal to stop the identification process.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dingwall et al International Patent Publication WO 93/23767.

Regarding claim 7, Dingwall is silent on teaching a signal catalogue in comprising two signals demanding reading of the code in one direction and the other signal demanding reading

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in an opposite direction. One skilled in the art recognizes that the code words in Dingwall is read in one direction and is therefore readable in another direction.


It would have been obvious to one of ordinary skill in the art to have a signal catalogue in Dingwall comprising two signals demanding reading of the code in one direction and the other signal demanding reading in an opposite direction because Dingwall suggests a signal catalogue comprising signal for reading the code word.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
Vernal Brown  
April 5, 2002

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

